

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PENSKE MEDIA CORPORATION,

Plaintiff,

-against-

SHUTTERSTOCK, INC.,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 11/10/2022

1:20-cv-04583-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

The Court held a pre-motion conference in this action on November 7, 2022. As discussed at that conference:

IT IS HEREBY ORDERED that by November 14, 2022, Plaintiff must complete its production of documents. If Plaintiff fails to produce all relevant materials, the Court will entertain a motion for sanctions, including preclusion of evidence for purposes of summary judgment and trial, based on failure to comply with this order or otherwise produce discovery.

IT IS FURTHER ORDERED that by November 14, 2022, the Parties shall refile the Complaint and all other documents which were filed under seal or which otherwise contain redactions. In so doing, the Parties may redact only confidential information regarding third-party agreements and confidential financial figures. *See Lugosch v. Pyramid Co.*, 435 F.3d 110, 126 (2d Cir. 2006).

IT IS FURTHER ORDERED that by November 14, 2022, the Parties shall file a notice of dismissal with respect to any claims for which such a dismissal applies and for which a notice of dismissal has not previously been filed.

IT IS FURTHER ORDERED that by November 14, 2022, the Parties shall file a joint letter which includes: (1) a proposed briefing schedule for the simultaneous briefing of the

Parties' respective motions for partial summary judgment; and (2) a discussion of whether the Parties agree on referral to the Court-annexed mediation program or to a Magistrate Judge, or if the parties intend to pursue private mediation.

IT IS FURTHER ORDERED that leave to file Defendant's anticipated motion to exclude the "expert" testimony of Karl Walter is denied as premature. The motion may be renewed if the need arises in connection with pretrial motion practice.

SO ORDERED

Dated: November 10, 2022
New York, New York

Mary Kay Vyskocil
MARY KAY VYSKOCIL
United States District Judge